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1948 K File No. Legal Asstt. Hill Tribes/48

Legal DEPARTMENT

C BRANCH

Subject:—Correspondence relating to grant of Legal Assistance to the members of the Aboriginal and Hill Tribes

P.23
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File No. Lg. Asstt. Hill Tribes/48.

Stl. Sectt. Slip 24 B a.

404-C

CONTENTS

Legal Department File No.1 Bg. Asstt. Hill Tribes/48.

Sr. No.	Compilation No.	Subject	Pages
		Correspandance relating to grant of Legal Assistance to the members of the Aboriginal & Hill Tribes	
1)	L.D.R.I.No.5166 / 8.6.46.	____do____ Letter from Backward Class Officer Bombay Provence Poona.	1
2)	L.D. Letter No.4664.dt.28.6.46	____ do ____	7
3)	L.D.R.I. No.6232 / 15.7.46	____ do____ Letter from B.C. Office Bombay Province ,Poona-	9
4)	L.D.R.I. 2917 / 11-3-47	Legal Assistance - approximate amount - sanction of.	11-15
5)	L.D.R.I. 5146 / 26.4.48	Approximate Expences- of Legal Aid--	17
6)	L.D.C.R. No.1044 / 29.10.48.	Continuing of Legal Assistance Scheme-	29.

K.N.P.
31/5
5.C.

Letter

No. B.C.219
Poona, 4th June 1946.

To

The Secretary to the Government,
Legal Department, Bombay.

Subject :- Legal Assistance __ Grant of ....
to members of Aboriginal and Hill Tribes.

Reference Government Resolutions, Legal Department, Nos.3460 and 2812 of 24th April 1941 and 31st March 1942 respectively.

2. Under the rules for the grant of legal assistance to members of aboriginal a person belonging to an abriginal tribe can get free legal assistance in any civil proceedings or proceedings under the Mamlatdar's courts Act and also in any criminal proceedings which are really disguised civil proceedings. No provision has been made under these rules to grant legal assistance to a member of an aboriginal tribe when criminal proceedings are to be instituted by or against him. It has been represented that an aboriginal fails to take advantage of the law to redress his grievances as he is liable to be harassed and cannot easily make his voice heard and many non cognisable offences of a grave nature committed against aboriginals are not properly punished. I believe that this is undoubtedly the case. It seems, therefore necessary that a member of an aboriginal tribe should be given free legal aid in proper cases when he desires to institute criminal proceedings against an offender or whenever criminal proceedings are instituted against him, in non-cognisable cases.

3. The Special Officer for Bhil Uplift is to make preliminary enquiries and pass an order granting or refusing legal assistance to aborigainals in West Khnadesh district. In other districts the Mamlatdars are authorized to pass such orders. (vide rule 2(1) in the rules for the grant of legal assistance to Aboriginal and Hill Tribes). The Special Officer, for the Protection of Aboriginal and Hill Tribes looks to the welfare of aborigibals in Thana, Kolaba and Nasik districts. He is well acquainted with the needs and grievances of the aboriginals residing in his jurisdiction. It appears, therefore, desirable that he should be authorized to make preliminary enquiries and pass an order for granting or refusing legal assistance to aboriginals residing in his charge other than that of the special prant Officer, Dahanu.

4. For the reasons mentioned in paras 2 and 3 above I have to suggest the following amendments to rule 2(1) of the rules for grant of legal assistance to Aboriginal and Hill Tribes.

i) Add "or criminal proceedings in non cognizanle cases" after the figure "1906" occuring in line 4 in rule 2(1)

ii) Add "or the Special officer for the Protection of Aboriginal and Hill Tribes in the talukas of Bhiwandi, Bassian Palghar, Vada, Kalyan and Thana Mahal of Thana, in the Colaba district and in the talukas of Kalwan, Baglan and Dindori and Peint Mahal of Nasik district," after the words "Bhil Special Officer" occuring at the end of line 5.

iii) Add "or Special Officer for the Protection of Aboriginal and Hill tribes in the talukas of Bhiwandi, Bassein Palghar, Vada, Kalyan and Thana Mahal of Thana, in the Colaba district, and in the taluka of kalwan, Baglan and Dindori and Peint Mahal of Nasik district as the case may be" after the words "Bhil Special Officer" in line 6.

5. The Collectors of Thana, Broach and Panch Mahals, East Khandesh, West Khandesh and Nasik were consulted in the matter. The Collectors of Broach and Panch Mahals, West Khandesh and Thana have itimated that they agree to the amendments suggested above. Replies from the collectors of East Kyandesh

and Nasik in this connection are still awaite d.

6. I would therefore suggest that Government may kindly be moved to amend the rules for the grant of legal assistance to members of Aboriginal and Hill Tribes as suggested in Para 4 above.

Sd.-

Backward Class Officer,
Bombay Province, Poona.

RM5/6

K.N.P.
30/5
4.C

Submitted.

2. This is a proposal from the Backward class officer Poona to extend the scope of legal assistance to the aboriginal and hill tribes to the criminal proceedings also.

3. The B.C.O. states that it has been represented that an aboriginal fails to take advantage of the law to redress his grievances as he is liable to be harassed and cannot make his voice heard and many non-cognizable offences of a grave nature committed against aboriginals are not properly punished and adds that a member of an aboriginal tribe should be given free legal aid in proper cases when he desires to institute criminal proceedings against an offender of whenever criminal proceedings are instituted against him in non-cognizable cases. The mode of giving such assistance is explained in para 3 of the letterTh necessary amendment to rule 2(1) of the rules for grant of legal assistance to Aboriginal and Hill Tribes is suggested in para 4 of his letter. He has consulted the Collectors of the Districts to which the scheme is extended and majority of them agree to the amendment. He therefore suggests that Govt. may be moved to amend the rules for the grant of legal assistance to members of Aboriginal and Hill Tribes as suggested in para 4 of his letter.

4. The scheme of legal assistance originally meant to cover both civil and criminal proceedings After full consideration of the pros and cons of the case to-gether with its financial aspects it was decided to give legal assistance to aboriginal or hill tribes in civil proceedings or proceedings er under the Mamlatdar's Court Act and also in any criminal proceedings which are really disguised civil proceedings. It is therefore fo consideration whether the question should be reopened and the Govt. approached for the proposed

amendment of the rules.

5. It is pointed out that a provision of Rs. 5000/- has been made in thecurrent years budget for the grant of legal assistance to Aboriginal and Hill Tribes. If it is decided to extend the scope of the scheme to the criminal proceedings also as suggested by the B.C.O. F.D. will have to be approached former more funds in this respect.

Sd.-
11-6 It is for Consideration whether the Proposal of the Backward class Officer Poona may be agrid to .

Sd.-
17/6
A.A.S. I think the proposal may be accuprd & F.D. asked is furnish more funds in due course.

17/6

18/6 D.S.

Under G.R. (Legal Deptt.) No. 3640, dated 24th April 1941, legal assistance is being granted to persons belonging to Aboriginal and Hill Tribes, living in certain districts in accordance with the rules printed in the Appeddix to said the said G.R.

According to these rules, persons belonging to the Aboriginal and Hill Tribes living in certain districts are entitled to get legal assistance in cetain circumstances in (1) civil proceedings (2) proceedings under the Mamlatdar Courts Act, 1906, (3) and criminal proceedings which are disguised civil proceedings or are intended to intimidate them.

No provision, it may be noted, has so far been made to give legal assistance to a person belonging to an Aboriginal or Hill Tribe in ordinary criminal proceedings that is, criminal proceedings other than the criminal proceedings which are disguised civil proceedings or are intended to intimidate him.

The Backward Class Officer, Bombay Province has suggested that "a member of an Aboriginal Tribe should be given free legal aid in proper cases when he desires to institute criminal proceedings against an offender or whenever criminal proceedings are instituted against him, in non-cognisable cases" and has proposed certain amendments of the rules referred to above.

As urged by Backward Class Officer, it could hardly be controverted that a member of an Aboriginal Tribe (or a Hill Tribe) very often fails to take advantage of the law of to redress his grievances as he is liable to be harassed, and cannot easily make his voice heard, and therefore many non-cognisable offences of a grave nature committed against members of Aboriginal (and Hill Tribes) are not properly punished.

Therefore the proposal made by the Backward Class Officer deserves to be favourably considered. But before this is done, he may be requested to work out roughly on any reasonably basis the amount that will have to be provided, in case his proposal is accepted.

Sd.-

A.N. Kha
19-6-46.

I agree

Sd.-
22/6/46.

K.N.P.
30/5
4.6.

No. 4664
Legal Department,
Bombay Castle, 28th June 1946.

To

The Backward class Officer,
Bombay Province Poona.

Subject :- Legal Assistance ------ Grant of to members of Aboriginal and Hill Tribes.

Sir,

With reference to your letter No. B.C. 219, dated the 4th June 1946, on the above subject, I am directed to reque you to be so good as to work out roughly on any reasonable basis the amount that will have to be provided, in case you proposal is accepted.

Sd.-
28/6

Your obedient servant,

Submitted for approval
Signature

Sd.-
+26-5
For Secretary to Government.

Sd.-
25/6

K.M.P.
30/5
A.C.

Letter

No.B.C.219 -9-
Poona, 8th July 1946.

To

The Secretary to Government,
Legal Department, Bombay.

Subject:- Legal assistance,
Grant of -- to members of Aboriginal and
Hill Tribes.

Reference Government letter, L.D.No. 4664 of 28th June 194

The charge involved in working out the present scheme of granting legal assistance to members of Aboriginal & Hill tribes is met from the provision sanctioned under the head "27-Administr-tion of Justice-B-Law Officers-B-3-Mofussil Establishment-B-3(3-Allowances, Honoraria, etc." under rule 8(2) of the Rules for the grant of legal assistance contained in the accompaniment to Government resolution, L.D.No. 3640 of 28th April 1941 Every bill of fees and other expenses incurred has to be submitted by the pleader appointed in the case for the countersignature of the Remembrancer of Legal Affairs through the officer or court appointing him. In view of the proposed changes in the Rules for granting legal assistance pleaders on behalf of the applicant will have to be appointed by the criminal courts which are under the control of the District Magistrates. The District Magistrates of Thana, Broach, Panch Mahals, East Khandesh, West Khandesh and Nasik where the scheme of free legal aid is in operation are being consulted to intimate the approximate amount that will have to be provided in case the proposal contained in this office letter No.B.C.219 of 4th June 1946 is accepted. Replies when received from the District Magistrates in this connection together with my remarks thereon will be communicated to Government in due course.

Sd/-

Backward Class Officer,

Bombay Province, Poona.

sak-9/7 Sd-
9/7

Submitted for enformation

Await estimation of Expenditure from the B.C. Officer as promised at the end of the letter.

Sd.-
15/7

Pl. pm. L.D. yjr No.4664.
dated 28/6/46 referred to the Backward Class Officer

Sd/-
17/7

Mr. Deshpande.

Resubmitted with the pp.

Sd/-
18/7 A.A.S.

K.N.P.
30/5
A.C.

Letter.

No.B.C.219
Poona, 4th March 1947.

To

The Secretary to Government,
Legal Department, Bombay.

Subject:- Legal assistance.
Grant of -- to members of
Aboriginal & Hill Tribes.

Reference correspondence ending with Government Letter L.D.No.1617 of 22nd February 1947.

The scheme of free legal aid sanctioned under G.R.L.D. No.3640 of 24th April 1941 is in operation in the districts of Thana, Broach, Panch Mahals, East Khandesh, West Khandesh and Nasik. The District Magistrates of these districts have been consulted to intimate the approximate amount that will have to be profided in/case the free legal aid is given to the aboriginals in criminal proceedings in noncognizable cases. The approximate cost to Government that would arise in this connection according to the reports of the District Magistrates concerned is given below:-

	District.	Cost per annum.
1)	Thana.	Rs.13,600/-
2)	Broach.	3,000/-
3)	Nasik.	3,000/-
4)	West Khandesh.	20,000/-
5)	East Khandesh.	The District Magistrate has intimated that approximate cost to Government cannot be ascertained as there were no criminal proceedings in noncognizable cases against the members of Aboriginal & Hill Tribes.

Copies of the replies of the District Magistrates are enclosed.

Reply from the District Magistrate, Panch Mahals is still awaited and he has been already expedited.

Sd.-
Backward Class Officer,
Bombay Province, Poona.

Submitted. R.I. No.291
11/

2. In view of 'A' above a further reply from The Backward Class Officer Bombay Province Poona may be awaited for a fortnight

Sd.-
15/3

K.N.P.
30/5
A.C.

Copy

Letter
To

The Backward Class Officer
B.P.Poona.

Subject:- Legal Assistance
Grant of -- to members of Aboriginal and Hill Tribes.

No. L.A.W.178 . Thana, 2nd October 1946.

Reference your No.B.C.219 dated 8th July 1946.

The sub-Divisional Magistrate Dahanu and Dhivandi Prants report that the average number of cases in their jurisdiction are 435 and 175 and the approximate expenditure of Rs.8600/- and Rs.5000/- respectively would be required if free legal aid is given to the aboriginals Anrogarda Kalyan and Thana Prants, the Sub- Divisional Magistrate, Kalyan, Prant reports that the average number of cases per year is 70 while the Sub-Dividional Magistrate, Thana Prant reports that there was only one noncognizable case in which one member of the aboriginal tribes appeared as an accused person. They remark that almost all the cases re compoundable and as such no expenditure is likely to be incurred.

The approximate cost for granting legal aid for th whole district will therefore be about Rs.13,600/- per year.

The Assistant Collector, Dahanu Prant, suggests tha the pleaders fees may be fixed per case instead of fixing it per day and that pleaders appearing on behalf of an aboriginal may be paid Rs.25/- for a warrant case and Rs.15/- for a summons case per day as most of the cases are of compoundable nature.

Sd/- x x x
for Collector, Thana.

Letter.

No.M.C.204
Broach , 15-10-46.

To

The Backward Class Officer, B.P.Poona.

Subject:- Legal assistance.
Grant of -- to the members of Aboriginal and Hill Tribes.

Reference: Your letter No.B.C.219 dated 8-7-1946.

The total approximate cost to Government would be approximately Rs.3000/- in this district if free legal aid is given to aboriginal residing in this district, in criminal proceedings in non-cognizable cases.

Sd/- x x
Collector, Broach.

K.M.P.
30/5
4.0.

(P.T.O.

Letter 2 No.P.O.L.W.S.6219
Nasik, 7th December 1946.

To

The Backward Class Officer, B.P.Poona.

Subject:- Legal assistance
Grant of --- to members of Aboriginal & Hill Tribes,

Ref:- Your letter No.B.C.219 dated 6th July 1946.

Government would require to suffer an approximate cost of Rs.3000/- per annum for this district if free legal aid is given the aboriginals residing in this district in criminal proceedings in non-cognisable cases.

Sd/-x x x
for District Magistrate,
Nasik.

Letter No.W.S.D.1518
Dhulia, 3rd January 1947.

To

The Backward Class Officer, B.P.Poona.

Subject:- Legal assistance.
Grant of -- to members of Aboriginal & Hill Tribe's.

Ref:- Your No.B.C.219 dated 8-7-1946.

The average number of non-cognisable criminal cases in which members of hills and aboriginal tribes are a party comes to 800 per year on the basis of the last 3 years figures.

The annual cost of giving free legal aid to backward class tribe members is estimated at Rs.20,000/- at the rate of Rs.25/- per case.

In this connection, however, I invite a reference to my recent instructions (copy enclosed*) to the Sub-Divisional Magistrat Nandurbar on a recent reference from him forwarding a particular case for legal aid to the Bhil complainant.

If these instructions are approved there would appear to be no reason for any amendment of the rules regarding the grant of legal assistance to members of aboriginal and hill tribes in the sense at present contemplated. I do not think, assistance should be given in every case instituted by a Bhil complainant. If such assistance in any particular case is desirable, then the prosecution becomes a matter of public concern and will fulfil the conditions laid down in my note. In this case procedure under Sec.492(2) of the Cr.P.C. enables Government to intervene. I suggest that the result of these instructions be watched for a time. It may be necessary to appoint additional Police prosecutors or Prosecuting Head Constables in this district, but this may await the result of a trial of the procedure suggested above .

Sd/- x x x
District Magistrate, W.K.

---

*Collectors observation on the Government Pleader's opinion regarding grant of legal assistance to the Bhil Complainant.

It seems to me that we are making rather heavy weather of this question. In any criminal case the Crown has an interest in seeing that an offender is brought to justice. It is not necessary for the Crown to intervene actively to this end in every case if the interests of Government will be met without such intervention. But when such intervention is desirable in

the public interest, Chapter XXXVIII of the Cr.P.Code gives the power to the Crown to intervene and conduct any prosecution, whether started upon private complaint or otherwise. This power can be exercised by the sub-Divisional Magistrate, subject to the control of the District Magistrate (Sec.492).

2. It is obviously not desirable for the Crown to intervene in every prosecution, for this would serve to encourage frivolous and petty complaints. But when a complainant is too poor to engage proper legal advise and when a very strong presumption exists thatthe accused is guilty, and may escape justice in the absence of the efficient conduct of the prosecution, it seems to me thatthe Crown should intervene.

3. In cases, therefore, where a case is instituted on the complaint of a Bhil or member of any other aboriginal hill tribe, the Sub-Dividional Magistrate, may at his discretion, exercise the powers conferred by Sec.492 Cr.P.Code and direct the Police Prosecutor, or any Police Officer not below the rank of a Prosecuting Head Constable to conduct the prosecution, Prosecution, providedth Sub-Divisional Magistrate is satisfied.

(a) That there are substantial grounds for belief that the case is true, and,

(b) the accused is likely to escape if points of low or of evidence are not properly put to the Court and

(c) the public has a substantial interest in the succes of the prosecution and

(d) the complaintant is unable through ignorance or lack of means efficiently to conduct the prosecution.

The Sub-Divisional Magistrate, should make a report to the District Magistrate every time he exercises these powers, giving a brief summary of the facts of the case and stating the reasons for his action.

I should like the Public Prosecutor's opinion on the view taken anove. Probably it was the existence of these powers which excluded the case of Bhil complainants from the Government Resolution.

(th P.P. agreed). Sd/- A.W.Lovatt,
Collector of W.K.

K.N.P.
30/5
4.C.

Letter No.M.C.D.781
Jalgaon, 2nd September 1946.

To
The Backward Class Officer,
B.P.Poona.

Subject:- Legal Assistance.
Grant of -- to Members of
Aboriginal and Hill Tribes

Reference:- Your No.B.C.219 dated 8th July 1946.

During the last year there were no criminal proceedin in non-cognisable cases against the members of Aboriginal and Hill Tribes, so far as this district is concerned. So the approximate cost to Government if free legal aid was given to the aboriginals cannot be ascertained.

Sd/- x x x
District Magistrate, E.K.

Letter

No.B.C.219
Poona, 23rd April 1947. -17-

To.

The Secretary to Government,
Legal Department, Bombay.

Subject:- Legal assistance.
Grant of -- to members of
Aboriginal & Hill Tribes.

Reference correspondence ending with this office letter No.B.C.219 dated 8/10the- April 1947.

The approximate cost per annum to Government for free legal aid to the aboriginals in criminal proceedings in non-cognisable cases in Panch Mahals District will be Rs.10,000/-

A copy of the reply received from the District Magistrate, Panch Mahals is enclosed*.

*Typed on the reverse.

Sd/-

Backward Class Officer,
Bombay Province, Poona.

sak-24 Sd /-
24/4

*Copy of letter No.L.A.W. 154 dated 21-4-47 from the District Magistrate, Panch Mahals.

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*Subject:- Legal assistance.
Grant of -- to members of anoriginal and hil tribe

Reference your letter No.B.C.219 of 8-7-46.

The approximate cost which Government will have to bear will be Rs.10,000/-*

K.N.P.
30/5
4.C.

Legal Depa rtment
R.I.No. 5146 d/ 26-4-47.

Submitted with pp.

2. Attention is invited to the letter from the Backward Class Officer at pages 1 and 2 ante and L.D. notes at pages 3-5 ante. In reply to L.D. letter No. 4664, d/28-6-46 the Backward Class Officer states that the scheme of free legal aid sanctioned in G.R., L.D. No. 3640, d/ 24-4-41 is in operation in the districts of Thana, Broach, Panch Mahals, East - Khandesh West-Khandesh Nasik and Kolaba and that the approximate amount that will have to be provided, in case the free legal aid is given to the aboriginals in criminal proceedings in non-cognizable cases, will be as follows :-

District	Cost per annum.
(1) Thana	Rs. 13,600/-
(2) Broach	3,000/-
(3) Nasik	3,000/-
(4) West-Khandesh	20,000/-
(5) Panch Mahals	10,000/-
(6) East-Khandesh	- - - -
	Rs. 49,600/-

3. Under the scheme as it is in operation an amount of Rs. 1,000/- is spent every year and necessary budget provision has been made for 1947-48. Now if it is extended to the criminal proceedings in non-cognizable cases as proposed by the Backward Class Officer it will cost Rs. 49,600/-, Before any orders are passed it will be necessary that the F.D. should see whether it will be possible to provide the funds for the revised scheme as proposed by the Backward Class Officer.

Sd/-

Submitted

2. The case is fully explained in by agey note at page 4-5 ante. The [redacted] estimate of the approximate expenditure that will have to be provided is in case free legal aid we

xtended to the aboriginals in Criminal Proceedings
n non-cog nizable cases was called for as suggested in that note. The
pproximate estimate as communicated by the Backward Class
fficer Bombay Province Poona is Re, 49,600/- in
round figures Rs. 50,000. F.D. may be requested
u.o. to state whether it will be possible for that Deputy
to allot that sum to L.D. during the current year
(in new of the ~~agree~~ urgeney of the question.)

Sd/-
28/5/47

Sd/-
28/5

L.A.S.

A.A.L.R.

Sec., Gen. consult the F.D. and after the
question known we will decide whether the scheme
should be extended as proposed by the Backward Cls
Officer.

Sd/- P.M.Lad
30/5

U.R. to F.D. No. 5700 dated 30/5/47.

K.N.P.
30/5
4.C.

Finance Department.

Please see D.S.L.D's note dated 19th June 1946 at pp. 4-5 ante which explains the character and scope of the legal aid that is being given at present and that proposed to be given. The cost of the existing aid is ~~[illegible]~~ Rs1,000 p.a. as aginst the estimated cost of Rs.49,6000. It appears that the estimate is worked out adhoc on the basis of number of criminal procedings recorded in the six districts. 'If however the procedure indicated in para 3 of the B.C.O.s letter dated 8th June 1946 is adopted along with the suggestion in the Collector of Thana's letter dated 2nd October 1946, the cost could be cut down appreciably. Besides, it includes expenditure on court fees etc. From para 2 of L.D. note dated 11th June 1946 it appearss that the question of extending assistance to criminal proceedings was considered in 1941. It is not known whether cost was worked out at that time Attention iss also invited to F.D. notes in file 4582/33/7179 in connection with the question of extending legal assistance to all persons. It does not appear necessary to link the proposal in these papers with the question Having regard to Govt's policy of interest in, and solicitude for, the welfare of aborignals and Hill-tribes, this Dept. may agree to the L.D. proposal which may be put up as a new item for next year. In the meantime, the L.D. may be requested to consider the points made in the note above and revise, if possinle, the figure of total cost before preparing the new item.

K.N.P.
30/5

17/6 Sd/-

R.I.No.7266
19/6/47

Submitted with reference to the F.D. note at Page 29 ante The points raised by that Department are as follows :-

(a) Cannot cost be cut down by following he procedure indicated in para.3 in Backward Clas fficers' letter at p. 1 ante and also in accordan ith the suggestion made at "B" by the Grant Offic abanu and quoted in the letter of the Collecter o hana.

b) whether the question of extending assistance t riminal proceedings was Considered in 1941. If hether the cost was worked out

(c) L.D. is requested to revise the figures if possible by considing (a) (b) above before prepar n a new item.

2. As regards 1(a)above. Before the rules for the grant of legal assistance to the members of the Aboriginal and Hill Tr bes were issued in 1941, the points regarding the appointmen of pleaders and their remuneration were exactausting consid ed and it was there decided that suits and criminal cases rel ting to these tribes shemld be continud by Government or sub Govt. Pleaders. It was also then decided that they should g the same fees as are laid down in the law officers (C. gf. 5) Rules, 1939

For resons advanced by Adviser III in his minute dated 1 10-6-40 it was decided that Govt. or Sub. Govt. Pleader shoul appear in such cases to prevent the appointment of others who might find it pay to fix their cases. The Govt. pleaders are generally of good standing and ability and ought to be paid ad adequately to maintaion their standard in order that they may not deteriorate. In view of this, the suggestion to reduce the fee made by the grant Officer Dahanu to-a does not seem acceptable. The object of the scheme is to secure just

justice to the herassed Aboriginals from their strong or monieed masters and it cannot be secured by be paying un attraction fees to the Govt. pleaders when their apponents might be richly paid by the Landlord. The fees as sanctianced in the rules cannot therefore be reduced

As regards the suggestion made by the Backward Class Officer in para. 3 of his letter at P. 1 ante that the power to make Preliminary inquiring and pass an order for granting or refusing legal assistance to the aboriginals residing in Thana, Kolaba and Nasik Dists other then that of the Special Grant Officer Dahanu should be given to Special Officer for the protction of the aboriginals and Hill Tribes Thana, Kolaba and Nasik Distits Offf appears reasonable and may be accepted . It will necessitate amendment of rule 2(1) of the Rules for the grant of legal assistance to members of Hill Tribes ele

3. As regards 1(b) The question was considered as regards cost in civil proceedings or proceedings under the Mamladar Court Act and the costs for these were computed as Rs. 22,050 for the distists of west Khandesh, East Khandesh, Nasik Thana, Broach and Panch Mahals The costs collected in 1947 inchudealso there for crimimal proceeding which are to be be instituted by or against him and have therefore swelled to Rs. 49,600. In view of the inexperince on the matter it is not possible to cut down the estimates to any lenght.

4. In view of the reasons griven in paras2 and 3 above this Dept Department does not think that the figures of costs can be appreciably reduced. But the general experience is that expence on such scheme before they become welknown is not much and if reliance is to be placed on this belief the scheme can be reduced at the most to Rs.30,000, as four months of the current year have already passed.

5. As regards F.D. suggestion to put the proposal as a new item for next year, office would like to point out that matter about the aboriginal and Hill tribes has became a live issue in view of the recent recradescence of tribe troubles in Thana and Kolaba Distits, It therefore appears that it

is desirable to give effect to the scheme as ~~ear~~ early as possible so that it may became known and the Hill Tribes may be enabled to take abvantage of it in their seeking redress ~~xxxxxxxxxxxx~~ of their Sric Grievances.

Sd.-
26/7/47

Perhaps we may acccept the suggestion of F.D. & to treat the Scheme as a new item for the next year Vide A. on P. 29) However F.D. may see again with refrence to the above Office note.

Sd/- 30/7

Sd/- 30/7

K.N.P.
31/5
4.C.

A.K.H. M.T. Katark 31/7

Finance Department 'F'

Submitted with reference to the F.D. note, dated 17-6-1947.

2. The L.D. has agreed to adopt the procedure suggested in para.3 of the Backward Class Officers' letter at p. 1 ante and to amend Rule 2(1) of the Rules for grant of Legal Assistance to members of Hill Tribes etc. suitably in due course. For the reasons given in sub-para.2 of para.2 of L.D. note dt. 26-7-1947, that Dept. considers that the fees sanctioned under the Law Officers (C. of S. Rules need not be reduced. When the question of extending the assistance to criminal proceedings was considered in 1941, the cases for civil & criminal proceedings in all the six (five at that time, as Broach Panch Mahals were not separated) districts was estimated at Rs.42,000 on the basis of civil & criminal cases in 1936-37 vide statement at p. 105 of L.D. file No. legal Asstt. to Hill Tribes/41 put up below.

3. The papers may be returned to the L.D. with the remarks, "Seen".

Sd/-
12/8/47

U.O.R. to the L.D. d. 14.8.47

K.N.P.
31/5
4.C.

Submitted.

The scheme for granting legal assistance to the members of the Aboriginal & Hill Tribes was first sanctioned for the year 1941-42 in two districts of west Khandesh and Broach and Panch Mahals. It was continued in 1942-43 and was further extended to the three districts of East Khandesh, Nasik and Thana. This scheme was further continued in all these districts during 1943-48. Last year there was a proposal from the Backwar class Officer, Bombay Province, to give legal aid to the members of the Aboriginal and Hill Tribes in cases when they desire to institute criminal proceedings against an offender or whenever criminal proceedings are instituted aginst them in non-cognisable cases. It was therefore proposed to preide for a sum of Rs.30,000 in the Budget for 1948-49. This scheme however did not materialise. ~~In view, however, of the great materialise~~, No provision was therefore made in the budget for 1948-49. In view, however, of the great demand for the continuance of this scheme from the various officers, the last year's scheme may be continued for the year 1948-49.

2. Necessary draft G.R. is put up for approval and may be issued after submission to Government.

Sd.-
28/8

A.S. Sd/-
28/10

The whole question -being submetted the consideration of the Committe for Legal aid and and pending final order the scheme may be continued

Sd/- P.M.Lad
28/10

submitted
Govt. has agreed is this continuance of the scheme for the Grant of Legal assistance with members of the Aboriginal and hill Tribes.

Necy G.R. is put up for signature.

Sd/-

K.N.P.
30/5
4.0

Legal Assistance.

Grant of - to the Members of the Aboriginal and Hill Tribes.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 10144
Bombay Castle, 29th October 1948.

Read Government Resolution, No.3640, dated the 24th April 1941.

Read Government Resolution, No.2812, dated the 31st March 1942.

Read Government Resolution, No.2956, dated the 21st April 1943.

Read Government Resolutions No.[illegible], dated the 15th December 1948.

Read Government Resolutions No.8380, dated the 16th December 1944 and No. 2397, dated the 29th March 1946.

Read Government Resolution, Legal Department No. 826, dated the 23rd January 1947.

RESOLUTION:- Government is pleased to direct that the scheme of granting legal assistance to members of Aboriginal and Hill Tribes should be continued during the year 1948-49 in the seven districts of East Khandesh, West Khandesh, Nasik, Broach, Panch Mahals, Thana and Kolaba.

2. The source to meet the extra cost will be pointed out later.

By order of the Governor of Bombay,

Sd/- R.M.MEHTA,
Assistant Secretary to Government,

To

All the Departments of the Secretariat (except the Separate Department),
The Commissioner, Northern Division,

K.N.P.

he Commissioner, Cenrral Division,

he Commissioner, Southern Division,

he Collector of East Khandesh,

he Collector of Broach, West Khandesh,

he Collector of Broach,

he Collector of Panch Mahals,

he Collector of Nasik,

The Collector of Thana,

The Collector of Kolaba,

The Collector of District and Sessions Judge, East Khandesh,

The District and Sessions Judge, West Khandesh,

The District and Sessions Judge, Broach and Panch Mahals,

The District and Sessions Judge, Nasik,

The District and Sessions Judge, Thana,

The Registrar, High Court, Appellate Side, Bombay,

The Director of Publicity,

The Accountant General, Bombay,

The Backward Class Officer, Bombay Province, Poona,

The Bhill Special Officer, West Khandesh,

The Deputy Consertator of Forests, West Khandesh, Dhulia,

The Deputy Conservator of Forests and Divisional Forest Officer, West Khandesh, Dhulia,

The Deputy Conservator of Forests and Divisional Forest Officer, East Khandesh, Jalgaon,

The Deputy Conservator of Forests and Divisional Forest Officer, Broach and Panch Mahals, Godhra,

The Deputy Conservator of Forests and Divisional Forest Officer Nasik,

The Deputy Conservator of Forests and Divisional Forest Officer Thana,

The District Superintendent of Police, East Khandesh, Jalgaon,

The Superintendent of Police, West Khandesh, Dhulia,

The District Superintendent of Police, Broach and Panch Mahals, Broach,

The District Superintendent of Police, Nasik,

The District Superintendent of polime, Broach and Panch Mahals, Godhra,

The District Superintendent of Police, Thana,

The District Superintendent of Police, Kolaba.

K.N.P.
30/5
4.C.